IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE DIVISIONAL APPLICATION			
OF:	SCHELBERGER ET AL.	GROUP ART UNIT:	1616
SERIAL NO.	TO BE ASSIGNED	EXAMINER:	ALLEN J. ROBINSON
FILED:	HEREWITH		

FOR: FUNGICIDAL MIXTURES BASED ON AMIDE COMPOUNDS AND PYRIDINE DERIVATIVES

Honorable Commissioner of
Patents and Trademarks
Washington, D.C. 20231

PRELIMINARY SUBMISSION

Sir:

This is a Divisional Application of Application Serial No. 09/581,833, filed on June 19, 2000, which stands allowed.

The Divisional application is drawn to non-elected subject matter that was canceled from the claims during the prosecution of the parent application. Entry and favorable consideration of the following amendment and remarks for further prosecution is solicited:

A M E N D M E N T

IN THE SPECIFICATION:

Amend the specification as set forth in Appendix I attached to this paper. A marked up version indicating the changes and additions made in the respective sections of the specification is found in Appendix II.

IN THE CLAIMS:

Kindly amend the claims as indicated in Appendix III attached to this paper. A clean copy of the claims as herewith amended is found in the attached Appendix IV.

REMARKS

Claims 1 to 8 and 10 to 17 as set forth in Appendix IV of this paper are now pending in this case. Claim 9 has been canceled, Claims 1 to 8, 10 and 11 have been revised, and Claims 12 to 17 have been added.

Claims 1 to 8, 10 and 11 have been revised for clarity so that the language essentially corresponds to the language of the corresponding claims which were allowed in the parent application. Additionally, Claims 1 to 8, 10 and 11 have been amended to avoid overlap with the allowed claims in the parent application.

Claims 12 and 15 have been added to further bring out the compositions of Claim 1 and their use in accordance with the method of Claim 11, wherein the composition comprises the phthalimide compound of formula VIa, VIb or VII which is specified in subsection (e) of Claim 1. New Claims 13, 14, 16 and 17 have been added to further bring out some of the subsidiary embodiments of the subject matter defined in Claims 1 and 11 disclosed on page 13, indicated line 42 et seq., and on page 16, indicated line 1 et seq., of the application. No new matter has been added.

The specification has been amended to include a proper reference to the parent case on page 1, and to to correct obvious errors. No new matter has been added.

Entry and favorable consideration is respectfully solicited. It is further respectfully requested that the Examiner take the data and results reported in Dr. Ammermann's Declaration dated November 23, 2001, which is enclosed herewith into consideration. To the extent that the election of a specific combination of active ingredients is needed for the examination of the application, applicants herewith preliminarily elect the combination of the amide compound represented by formula I.2 (*ie. Claim 9, second formula, and page 20, indicated line 40 et seq., of the application*) and the phthalimide compound represented by formula VIa (*ie. Claim 1, subsection (e), first formula, and page 2, indicated line 40 et seq., of the application*). Data corroborating the beneficial synergistic effect which arises when suitable amounts of the active components are combined are reported in the Examples, page 20, indicated line 16, to page 24, indicated line 5, of the application. Supplemental data are reported in Dr. Ammerman's Declaration.

Please charge any shortage in fees due in connection with the filing of this paper, including Extension of Time fees to Deposit Account No. 11.0345. Please credit any excess fees to such deposit account.

Respectfully submitted,
KEIL & WEINKAUF

/HBKeil

Herbert B. Keil
Reg. No. 18,967

1101 Connecticut Ave, N.W.
Washington, D.C. 20036
(202) 659-0100

Encl.: SUBSTITUTE SECTIONS OF THE SPECIFICATION (Appendix I)
THE CHANGES IN THE SPECIFICATION (Appendix II)
THE CHANGES IN THE CLAIMS (Appendix III)
THE AMENDED CLAIMS (Appendix IV)
Dr. Ammermann's Declaration dated November 23, 2001

HBK/BAS

APPENDIX I:

SUBSTITUTE SECTIONS OF THE SPECIFICATION:

On page 1:

- After the title and prior to the first paragraph, ie. at indicated line 5, insert the following:

  --This is a Divisional application of Application Serial No. 09/581,833, filed on June 19, 2000 (*allowed*).--

On page 4:

- Delete the paragraph beginning in indicated line 26 and ending in indicated line 31 and insert in its stead:

  It is an object of the present invention to provide mixtures which have an improved activity against harmful fungi combined with a reduced total amount of active ingredients applied (synergistic mixtures), with a view to reducing the application rates and to improving the activity spectrum of the known compounds.

On page 5:

- Delete the paragraph beginning in indicated line 21 and ending in indicated line 25 and insert in its stead:

  Haloalkyl is an alkyl group as defined above which is partially or fully halogenated by one or more halogen atoms, in particular by fluorine and chlorine. Preferably, there are from 1 to 3 halogen atoms present, and the difluoromethyl or the trifluoromethyl group is particularly preferred.

On pages 5 and 6:

- Delete the paragraph beginning on page 5 in indicated line 33 and ending on page 6 in indicated line 8 and insert in its stead:

  The alkenyl group includes straight-chain and branched alkenyl groups. These are preferably straight-chain or branched C_3-C_{12}-alkenyl groups and in particular C_3-C_6-alkenyl groups. Examples of alkenyl groups are 2-propenyl, 2-butenyl, 3-butenyl, 1-methyl-2-propenyl, 2-methyl-2-propenyl, 2-pentenyl, 3-pentenyl, 4-pentenyl, 1-methyl-2-butenyl, 2-methyl-2-butenyl, 3-methyl-2-butenyl, 1-methyl-3-butenyl, 2-methyl-3-butenyl,

3-methyl-3-butenyl, 1,1-dimethyl-2-propenyl, 1,2-dimethyl-2-propenyl, 1-ethyl-2-propenyl, 2-hexenyl, 3-hexenyl, 4-hexenyl, 5-hexenyl, 1-methyl-2-pentenyl, 2-methyl-2-pentenyl, 3-methyl-2-pentenyl, 4-methyl-2-pentenyl, 1-methyl-3-pentenyl, 2-methyl-3-pentenyl, 3-methyl-3-pentenyl, 4-methyl-3-pentenyl, 1-methyl-4-pentenyl, 2-methyl-4-pentenyl, 3-methyl-4-pentenyl, 4-methyl-4-pentenyl, 1,1-dimethyl-2-butenyl, 1,1-dimethyl-3-butenyl, 1,2-dimethyl-2-butenyl, 1,2-dimethyl-3-butenyl, 1,3-dimethyl-2-butenyl, 1,3-dimethyl-3-butenyl, 2,2-dimethyl-3-butenyl, 2,3-dimethyl-2-butenyl, 2,3-dimethyl-3-butenyl, 1-ethyl-2-butenyl, 1-ethyl-3-butenyl, 2-ethyl-2-butenyl, 2-ethyl-3-butenyl, 1,1,2-trimethyl-2-propenyl, 1-ethyl-1-methyl-2-propenyl and 1-ethyl-2-methyl-2-propenyl, in particular 2-propenyl, 2-butenyl, 3-methyl-2-butenyl and 3-methyl-2-pentenyl.

On page 6:

- Delete the paragraph beginning in indicated line 14 and ending in indicated line 28 and insert in its stead:

  The alkynyl group includes straight-chain and branched alkynyl groups. These are preferably straight-chain and branched C_3-C_{12}-alkynyl groups and in particular C_3-C_6-alkynyl groups. Examples of alkynyl groups are 2-propynyl, 2-butynyl, 3-butynyl, 1-methyl-2-propynyl, 2-pentynyl, 3-pentynyl, 4-pentynyl, 1-methyl-3-butynyl, 2-methyl-3-butynyl, 1-methyl-2-butynyl, 1,1-dimethyl-2-propynyl, 1-ethyl-2-propynyl, 2-hexynyl, 3-hexynyl, 4-hexynyl, 5-hexynyl, 1-methyl-2-pentynyl, 1-methyl-3-pentynyl, 1-methyl-4-pentynyl, 2-methyl-3-pentynyl, 2-methyl-4-pentynyl, 3-methyl-4-pentynyl, 4-methyl-2-pentynyl, 1,2-dimethyl-2-butynyl, 1,1-dimethyl-3-butynyl, 1,2-dimethyl-3-butynyl, 2,2-dimethyl-3-butynyl, 1-ethyl-2-butynyl, 1-ethyl-3-butynyl, 2-ethyl-3-butynyl and 1-ethyl-1-methyl-2-propynyl.

On page 12:

- Delete the paragraph beginning in indicated line 37 and ending in indicated line 38 and insert in its stead:

  II.a: ethyl *(RS)*-3-(3,5-dichlorophenyl)-5-methyl-2,4-dioxooxazolidine-5-carboxylate

On page 14:

- Delete the paragraph beginning in indicated line 15 and ending in indicated line 31 and insert in its stead:

Suitable organic acids are, for example, formic acid and alkanoic acids, such as acetic acid, trifluoroacetic acid, trichloroacetic acid and propionic acid, and also glycolic acid, thiocyanic acid, lactic acid, succinic acid, citric acid, benzoic acid, cinnamic acid, oxalic acid, alkylsulfonic acids (sulfonic acids having straight-chain or branched alkyl radicals of 1 to 20 carbon atoms), arylsulfonic acids or aryldisulfonic acids (aromatic radicals, such as phenyl and naphthyl, which carry one or two sulfo groups), alkylphosphonic acids (phosphonic acids having straight-chain or branched alkyl radicals of 1 to 20 carbon atoms), arylphosphonic acids or aryldiphosphonic acids (aromatic radicals, such as phenyl and naphthyl, which carry one or two phosphonic acid radicals), it being possible for the alkyl or aryl radicals to carry further substituents, eg. p-toluenesulfonic acid, salicylic acid, p-aminosalicylic acid, 2-phenoxybenzoic acid, 2-acetoxybenzoic acid, etc.

On page 15:

- Delete the paragraph beginning in indicated line 16 and ending in indicated line 32 and insert in its stead:

They are particularly suitable for controlling the following phytopathogenic fungi: Erysiphe graminis (powdery mildew) in cereals, Erysiphe cichoracearum and Sphaerotheca fuliginea in cucurbits, Podosphaera leucotricha in apples, Uncinula necator in grapevines, Puccinia species in cereals, Rhizoctonia species in cotton, rice and lawns, Ustilago species in cereals and sugar cane, Venturia inaequalis (scab) in apples, Helminthosporium species in cereals, Septoria nodorum in wheat, Botrytis cinerea (gray mold) in strawberries, vegetables, ornamentals and grapevines, Cercospora arachidicola in groundnuts, Pseudocercosporella herpotrichoides in wheat and barley, Pyricularia oryzae in rice, Phytophthora infestans in potatoes and tomatoes, Plasmopara viticola in grapevines, Pseudoperonospora species in hops and cucumbers, Alternaria species in vegetables and fruit, Mycosphaerella species in bananas and Fusarium and Verticillium species.

On page 17:

- Delete the paragraph beginning in indicated line 1 and ending in indicated line 16 and insert in its stead:

  Suitable surfactants are the alkali metal salts, alkaline earth metal salts and ammonium salts of aromatic sulfonic acids, eg. ligno-, phenol-, naphthalene- and dibutylnaphthalenesulfonic acid, and of fatty acids, alkyl- and alkylarylsulfonates, alkyl, lauryl ether and fatty alcohol sulfates, and salts of sulfated hexa-, hepta- and octadecanols, or of fatty alcohol glycol ethers, condensates of sulfonated naphthalene and its derivatives with formaldehyde, condensates of naphthalene or of the naphthalenesulfonic acids with phenol and formaldehyde, polyoxyethylene octylphenol ether, ethoxylated isooctyl-, octyl- or nonylphenol, alkylphenol polyglycol ethers, tributylphenyl polyglycol ethers, alkylaryl polyether alcohols, isotridecyl alcohol, fatty alcohol/ethylene oxide condensates, ethoxylated castor oil, polyoxyethylene alkyl ethers or polyoxypropylene alkyl ethers, lauryl alcohol polyglycol ether acetate, sorbitol esters, lignosulfite waste liquors or methylcellulose.

- Delete the paragraph beginning in indicated line 28 and ending in indicated line 36 and insert in its stead:

  Fillers or solid carriers are, for example, mineral earths, such as silicas, silica gels, silicates, talc, kaolin, limestone, lime, chalk, bole, loess, clay, dolomite, diatomaceous earth, calcium sulfate, magnesium sulfate, magnesium oxide, ground synthetic materials and fertilizers, such as ammonium sulfate, ammonium phosphate, ammonium nitrate, ureas, and products of vegetable origin, such as cereal meal, tree bark meal, wood meal and nutshell meal, cellulose powders or other solid carriers.

- Delete the paragraph beginning in indicated line 38 and ending in indicated line 43 and insert in its stead:

  The formulations generally comprise from 0.1 to 95% by weight, preferably 0.5 to 90% by weight, of one of the compounds I and II and/or III to IX or of the mixture of the compounds I and II and/or III to IX. The active ingredients are employed in a purity of from 90% to 100%, preferably 95% to 100% (according to NMR spectrum or HPLC).

On page 22:

- Delete the paragraph beginning in indicated line 36 and ending in indicated line 44 and insert in its stead:

  Disks of green bell peppers were sprayed to runoff point with an aqueous preparation of active ingredient which had been prepared from a stock solution comprising 10% of active ingredient, 63% of cyclohexanone and 27% of emulsifier. 2 hours after the spray coating had dried on, the fruit disks were inoculated with a spore suspension of Botrytis cinerea containing 1.7×10^6 spores per ml of a 2% strength Biomalz solution. The inoculated fruit disks were subsequently incubated in humid chambers at 18°C for 4 days. The Botrytis infection on the diseased fruit disks was then evaluated visually.

- Delete the text in indicated line 46 and insert in its stead:

  The results are shown in Tables 3 and 4 below.

APPENDIX II:

THE CHANGES IN THE SPECIFICATION:

On page 1:

- The following new paragraph has been added after the title at indicated line 5:

--This is a Divisional application of Application Serial No. 09/581,833, filed on June 19, 2000 (*allowed*).--

On page 4:

- The paragraph beginning in indicated line 26 and ending in indicated line 31 has been amended as follows:

It is an object of the present [~~inventions [sic]~~] invention to provide mixtures which have an improved activity against harmful fungi combined with a reduced total amount of active ingredients applied (synergistic mixtures), with a view to reducing the application rates and to improving the activity spectrum of the known compounds.

On page 5:

- The paragraph beginning in indicated line 21 and ending in indicated line 25 has been amended as follows:

Haloalkyl is an alkyl group as defined above which is partially or fully halogenated by one or more halogen atoms, in particular by fluorine and chlorine. Preferably, there are from 1 to 3 halogen atoms present, and the [~~difluoromethane [sic]~~] difluoromethyl or the trifluoromethyl group is particularly preferred.

On pages 5 and 6:

- The paragraph beginning on page 5 in indicated line 33 and ending on page 6 in indicated line 8 has been amended as follows:

The alkenyl group includes straight-chain and branched alkenyl groups. These are preferably straight-chain or branched C_3-C_{12}-alkenyl groups and in particular C_3-C_6-alkenyl groups. Examples of alkenyl groups are 2-propenyl, 2-butenyl, 3-butenyl, 1-methyl-2-propenyl, 2-methyl-2-propenyl, 2-pentenyl, 3-pentenyl,

4-pentenyl, 1-methyl-2-butenyl, 2-methyl-2-butenyl, 3-methyl-2-butenyl, 1-methyl-3-butenyl, 2-methyl-3-butenyl, 3-methyl-3-butenyl, 1,1-dimethyl-2-propenyl, 1,2-dimethyl-2-propenyl, 1-ethyl-2-propenyl, 2-hexenyl, 3-hexenyl, 4-hexenyl, 5-hexenyl, 1-methyl-2-pentenyl, 2-methyl-2-pentenyl, 3-methyl-2-pentenyl, 4-methyl-2-pentenyl, 1-methyl-3-pentenyl, 2-methyl-3-pentenyl, 3-methyl-3-pentenyl, 4-methyl-3-pentenyl, 1-methyl-4-pentenyl, 2-methyl-4-pentenyl, 3-methyl-4-pentenyl, 4-methyl-4-pentenyl, 1,1-dimethyl-2-butenyl, 1,1-dimethyl-3-butenyl, [~~1,1-dimethyl-3-butenyl [sic],~~] 1,2-dimethyl-2-butenyl, 1,2-dimethyl-3-butenyl, 1,3-dimethyl-2-butenyl, 1,3-dimethyl-3-butenyl, 2,2-dimethyl-3-butenyl, 2,3-dimethyl-2-butenyl, 2,3-dimethyl-3-butenyl, 1-ethyl-2-butenyl, 1-ethyl-3-butenyl, 2-ethyl-2-butenyl, 2-ethyl-3-butenyl, 1,1,2-trimethyl-2-propenyl, 1-ethyl-1-methyl-2-propenyl and 1-ethyl-2-methyl-2-propenyl, in particular 2-propenyl, 2-butenyl, 3-methyl-2-butenyl and 3-methyl-2-pentenyl.

On page 6:

- The paragraph beginning in indicated line 14 and ending in indicated line 28 has been amended as follows:

The alkynyl group includes straight-chain and branched alkynyl groups. These are preferably straight-chain and branched C_3-C_{12}-alkynyl groups and in particular C_3-C_6-alkynyl groups. Examples of alkynyl groups are 2-propynyl, 2-butynyl, 3-butynyl, 1-methyl-2-propynyl, 2-pentynyl, 3-pentynyl, 4-pentynyl, 1-methyl-3-butynyl, 2-methyl-3-butynyl, 1-methyl-2-butynyl, 1,1-dimethyl-2-propynyl, 1-ethyl-2-propynyl, 2-hexynyl, 3-hexynyl, [~~4-alkynyl [sic]~~] 4-hexynyl, 5-hexynyl, 1-methyl-2-pentynyl, 1-methyl-3-pentynyl, 1-methyl-4-pentynyl, 2-methyl-3-pentynyl, 2-methyl-4-pentynyl, 3-methyl-4-pentynyl, 4-methyl-2-pentynyl, 1,2-dimethyl-2-butynyl, 1,1-dimethyl-3-butynyl, 1,2-dimethyl-3-butynyl, 2,2-dimethyl-3-butynyl, 1-ethyl-2-butynyl, 1-ethyl-3-butynyl, 2-ethyl-3-butynyl and 1-ethyl-1-methyl-2-propynyl.

On page 12:

- The paragraph beginning in indicated line 37 and ending in indicated line 38 has been amended as follows:

II.a: ethyl ~~[(") 3-(3,5-dichlorophenyl)-5-methyl-2,4-dioxooxazolidine-5-carboxylate [sic]]~~ *(RS)*-3-(3,5-dichlorophenyl)-5-methyl-2,4-dioxooxazolidine-5-carboxylate

On page 14:

- The paragraph beginning in indicated line 15 and ending in indicated line 31 has been amended as follows:

Suitable organic acids are, for example, formic acid[~~, carbonic acid [sic]~~] and alkanoic acids, such as acetic acid, trifluoroacetic acid, trichloroacetic acid and propionic acid, and also glycolic acid, thiocyanic acid, lactic acid, succinic acid, citric acid, benzoic acid, cinnamic acid, oxalic acid, alkylsulfonic acids (sulfonic acids having straight-chain or branched alkyl radicals of 1 to 20 carbon atoms), arylsulfonic acids or aryldisulfonic acids (aromatic radicals, such as phenyl and naphthyl, which carry one or two sulfo groups), alkylphosphonic acids (phosphonic acids having straight-chain or branched alkyl radicals of 1 to 20 carbon atoms), arylphosphonic acids or aryldiphosphonic acids (aromatic radicals, such as phenyl and naphthyl, which carry one or two [~~phosphoric [sic]~~] phosphonic acid radicals), it being possible for the alkyl or aryl radicals to carry further substituents, eg. p-toluenesulfonic acid, salicylic acid, p-aminosalicylic acid, 2-phenoxybenzoic acid, 2-acetoxybenzoic acid, etc.

On page 15:

- The paragraph beginning in indicated line 16 and ending in indicated line 32 has been amended as follows:

They are particularly suitable for controlling the following phytopathogenic fungi: Erysiphe graminis (powdery mildew) in cereals, Erysiphe cichoracearum and Sphaerotheca fuliginea in cucurbits, Podosphaera leucotricha in apples, Uncinula necator in grapevines, Puccinia species in cereals, Rhizoctonia species in cotton, rice and lawns, Ustilago species in cereals and sugar cane, Venturia inaequalis (scab) in apples, Helminthosporium species in cereals, Septoria nodorum in wheat, Botrytis [~~cinera [sic]~~] cinerea (gray mold) in strawberries, vegetables, ornamentals and grapevines, Cercospora arachidicola in groundnuts, Pseudocercos-

porella herpotrichoides in wheat and barley, Pyricularia oryzae in rice, Phytophthora infestans in potatoes and tomatoes, Plasmopara viticola in grapevines, Pseudoperonospora species in hops and cucumbers, Alternaria species in vegetables and fruit, Mycosphaerella species in bananas and Fusarium and Verticillium species.

On page 17:

- The paragraph beginning in indicated line 1 and ending in indicated line 16 has been amended as follows:

  Suitable surfactants are the alkali metal salts, alkaline earth metal salts and ammonium salts of aromatic sulfonic acids, eg. ligno-, phenol-, naphthalene- and dibutylnaphthalenesulfonic acid, and of fatty acids, alkyl- and alkylarylsulfonates, alkyl, lauryl ether and fatty alcohol sulfates, and salts of sulfated hexa-, hepta- and octadecanols, or of fatty alcohol glycol ethers, condensates of sulfonated naphthalene and its derivatives with formaldehyde, condensates of naphthalene or of the naphthalenesulfonic acids with phenol and formaldehyde, polyoxyethylene octylphenol ether, ethoxylated isooctyl-, octyl- or nonylphenol, alkylphenol polyglycol ethers, tributylphenyl polyglycol ethers, alkylaryl polyether alcohols, isotridecyl alcohol, fatty alcohol/ethylene oxide condensates, ethoxylated castor oil, polyoxyethylene alkyl ethers or polyoxypropylene [~~(sic)~~] alkyl ethers, lauryl alcohol polyglycol ether acetate, sorbitol esters, lignosulfite waste liquors or methylcellulose.

- The paragraph beginning in indicated line 28 and ending in indicated line 36 has been amended as follows:

  Fillers or solid carriers are, for example, mineral earths, such as [~~silica gel,~~] silicas, silica gels [~~(sic)~~], silicates, talc, kaolin, limestone, lime, chalk, bole, loess, clay, dolomite, diatomaceous earth, calcium sulfate, magnesium sulfate, magnesium oxide, ground synthetic materials and fertilizers, such as ammonium sulfate, ammonium phosphate, ammonium nitrate, ureas, and products of vegetable origin, such as cereal meal, tree bark meal, wood meal and nutshell meal, cellulose powders or other solid carriers.

- The paragraph beginning in indicated line 38 and ending in indicated line 43 has been amended as follows:

  The formulations generally comprise from 0.1 to 95% by weight, preferably 0.5 to 90% by weight, of one of the compounds I and II and/or III to IX or of the mixture of the compounds I and II and/or III to IX. The active ingredients are employed in a purity of from 90% to 100%, preferably 95% to 100% (according to NMR spectrum or HPLC [~~spectrum [sic]~~]).

On page 22:

- The paragraph beginning in indicated line 36 and ending in indicated line 44 has been amended as follows:

  Disks of green bell [~~pepepprs~~] peppers were sprayed to runoff point with an aqueous preparation of active ingredient which had been prepared from a stock solution comprising 10% of active ingredient, [~~63 & [sic]~~] 63% of cyclohexanone and 27% of emulsifier. 2 hours after the spray coating had dried on, the fruit disks were inoculated with a spore suspension of Botrytis cinerea containing 1.7 x 10^6 spores [~~[sic]~~] per ml of a 2% strength Biomalz solution. The inoculated fruit disks were subsequently incubated in humid chambers at 18°C for 4 days. The Botrytis infection on the diseased fruit disks was then evaluated visually.

- The text in indicated line 46 has been amended as follows:

  The results are shown in Tables [~~1 [sic]~~] 3 and [~~2 [sic]~~] 4 below.

APPENDIX III:

THE CHANGES IN THE CLAIMS:

Amend Claims 1 to 8 as indicated in the following:

1. (*amended*) A fungicidal [~~mixture,~~] composition comprising, as a first active [~~components~~] component

a) an amide compound of [~~the~~] formula I

$$A\text{-}CO\text{-}NR^1R^2 \qquad I$$

in which

A is [~~an aryl group or an aromatic or non-aromatic, 5- or 6-membered heterocycle which has from 1 to 3 hetero atoms selected from O, N and S;~~] pyridyl which is unsubstituted or carries [~~where the aryl group or the heterocycle may or may not have~~] 1, 2 or 3 substituents [~~which are~~] selected[~~, independently of one another,~~] from alkyl, halogen, CHF_2, CF_3, alkoxy, haloalkoxy, alkylthio, alkylsulfynyl and alkylsulfonyl;

R^1 is a hydrogen atom;

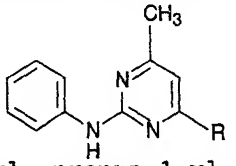
R^2 is [~~a~~] phenyl [~~or cycloalkyl group~~] which [~~may or may not have~~] is unsubstituted or carries 1, 2 or 3 substituents [~~which are~~] selected[~~, independently of one another,~~] from alkyl, alkenyl, alkynyl, alkoxy, alkenyloxy, alkynyloxy, cycloalkyl, cycloalkenyl, cycloalkyloxy, cycloalkenyloxy, phenyl and halogen, where the aliphatic and cycloaliphatic radicals [~~may be~~] are unsubstituted or are partially or fully halogenated, and[~~/or~~] the cycloaliphatic radicals [~~may be substituted by~~] optionally carry from 1 to 3 alkyl groups, and where the phenyl group [~~may have~~] is unsubstituted or carries from 1 to 5 halogen atoms and/or from 1 to 3 substituents [~~which are~~] selected[~~, independently of one another,~~] from alkyl, haloalkyl, alkoxy, haloalkoxy, alkylthio and haloalkylthio, and
where the amidic phenyl group [~~may or may not be~~] is optionally condensed with a saturated 5-membered ring which [~~may or may not be~~] is unsubstituted or substituted by one or more alkyl groups; [~~and/or may have a hetero atom selected from O and S, and~~]

and, as a second active component, [~~(sic)~~] a compound selected from the group consisting of

~~[b) fungicides from the group of the dicarboximides]~~

[~~and/or~~]

c) a pyrimidine [~~derivative~~] compound of [~~the~~] formula III,

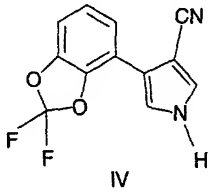


III

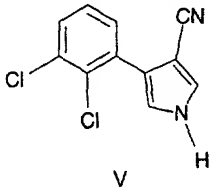
in which R is methyl, propyn-1-yl or cyclopropyl,

[~~and/or~~]

d) at least one active ingredient of [~~the~~] formula IV or V,



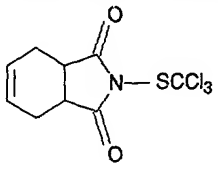
IV



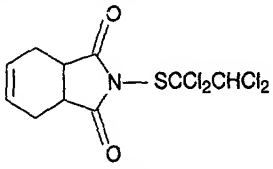
V

[~~and/or~~]

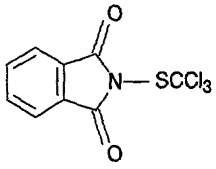
e) a phthalimide [~~derivative selected from the group consisting of the compounds~~] compound of formula VIa, VIb [~~and~~] or VII



VIa



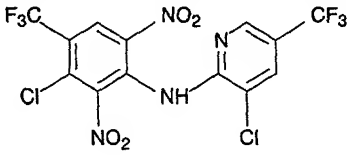
VIb



VII

[~~and/or~~]

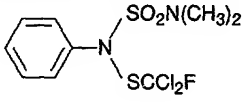
f) a dinitroaniline of [~~the~~] formula VIII



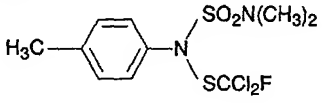
VIII

and[~~/or~~]

g) an arylsulfamide of [~~the~~] formula IXa or IXb



IXa



IXb

wherein the active components are present in [~~a~~] synergistically effective [~~amount~~] amounts.

2. (*amended*) [~~A fungicidal mixture as claimed~~] The composition defined in claim 1, wherein [~~in the formula I the radical~~] A is [~~one of the following groups:~~]

[~~phenyl,~~] pyridyl[~~, dihydropyranyl, dihydrooxathiynyl, dihydrooxathiynyloxide, dihydrooxathiynyldioxide, furyl, thiazolyl, pyrazolyl or oxazolyl, where these groups may have~~] which is unsubstituted or carries 1, 2 or 3 substituents [~~which are~~] selected[~~, independently of one another,~~] from alkyl, halogen, difluorcmethyl and trifluoromethyl.

3. (*amended*) [~~A fungicidal mixture as claimed~~] The composition defined in claim 1, wherein [~~in the formula I the radical~~] A is [~~one of the following groups:~~]

pyridin-3-yl, which [~~may or may not be~~] is unsubstituted or is substituted in the 2-position by halogen, methyl, difluoromethyl, trifluoromethyl, methoxy, methylthio, methylsulfynyl or methylsulfonyl.[~~,~~]

[~~phenyl, which may or may not be substituted in the 2-position by methyl, trifluoromethyl, chlorine, bromine or iodine;~~]

[~~2-methyl-5,6-dihydropyran-3-yl;~~]

[~~2-methyl-5,6-dihydro-1,4-oxathiyn-3-yl or the 4-oxide or 4,4-dioxide thereof;~~]

[~~2-methylfuran-3-yl, which may or may not be substituted in the 4- and/or 5-position by methyl;~~]

[~~thiazol-5-yl, which may or may not be substituted in the 2- and/or 4-position by methyl, chlorine, difluoromethyl or [trifluoromethyl;~~]

[~~thiazol-4-yl, which may or may not be substituted in the 2- and/or 5-position by methyl, chlorine, difluoromethyl or trifluoromethyl;~~]

[~~1-methylpyrazol-4-yl, which may or may not be substituted in the 3- and/or 5-position by methyl, chlorine, difluoromethyl or trifluoromethyl; or~~]

[~~oxazol-5-yl, which may or may not be substituted in the 2- and/or 4-position by methyl or chlorine.~~]

4. (*amended*) [~~A fungicidal mixture as claimed~~] The composition defined in [~~one of the preceding claims~~] claim 1, [~~which comprises a compound of the formula I in which~~] wherein R^2 is [~~a~~] phenyl [~~group~~] which [~~may or may not be substituted by~~] carries 1, 2 or 3 [~~of the~~] substituents [~~mentioned in claim 1~~].

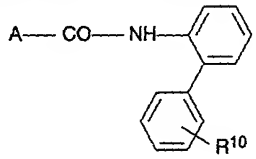
5. (*amended*) [~~A fungicidal mixture as claimed~~] The composition defined in claim 4, [~~where~~] wherein R^2 is a phenyl group which has one of the following substituents in the 2-position:

   C_3-C_6-alkyl, C_5-C_6-cycloalkenyl, C_5-C_6-cycloalkyloxy, cycloalkenyloxy, where these groups [~~may be~~] are unsubstituted or substituted by 1, 2 or 3 C_1-C_4-alkyl groups,

   phenyl which is substituted by from 1 to 5 halogen atoms and/or from 1 to 3 [~~groups which are~~] radicals selected[~~, independently of one another,~~] from C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy, C_1-C_4-haloalkoxy, C_1-C_4-alkylthio and C_1-C_4-haloalkylthio,

   or where R^2 is indanyl [~~or oxaindanyl~~] which [~~may or may not be~~] is unsubstituted or substituted by 1, 2 or 3 C_1-C_4-alkyl groups.

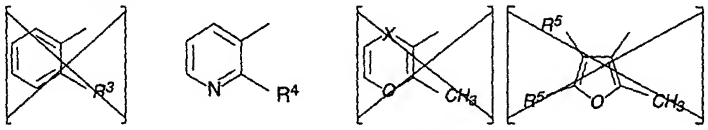
6. (*amended*) [~~A fungicidal mixture as claimed~~] The composition defined in [~~any of claims 1 to 5~~] claim 1, [~~which comprises an~~] wherein the amide compound is a compound of [~~the~~] formula Ia [~~below:~~]



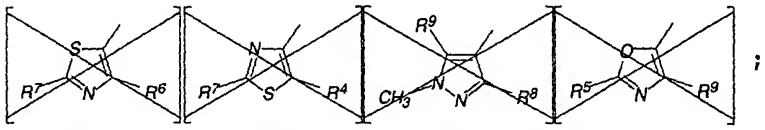
(Ia)

in which

A is a radical A2



[~~(A1)~~] (A2) [~~(A3)~~] [~~(A4)~~]



[~~(A5)~~] [~~(A6)~~] [~~(A7)~~] [~~(A8)~~] ;

[~~X is methylene, sulfur, sulfynyl or sulfonyl (SO_2),~~]

[~~R^3 is methyl, difluoromethyl, trifluoromethyl, chlorine, bromine or iodine,~~]

R^4 is trifluoromethyl or chlorine, and

[~~R^5 is hydrogen or methyl,~~]

[~~R^6 is methyl, difluoromethyl, trifluoromethyl or chlorine,~~]

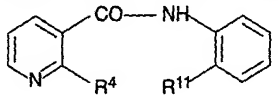
[~~R^7 is hydrogen, methyl or chlorine,~~]

[~~R^8 is methyl, difluoromethyl or trifluoromethyl,~~]

[~~R^9 is hydrogen, methyl, difluoromethyl, trifluoromethyl or chlorine,~~]

R^{10} is C_1-C_4-alkyl, C_1-C_4-alkoxy, C_1-C_4-alkylthio or halogen.

7. (*amended*) [~~A fungicidal mixture as claimed~~] The composition defined in [~~any of claims 1 to 5~~] claim 1, [~~which comprises as~~] wherein the amide compound is a compound of [~~the~~] formula Ib [~~below:~~]



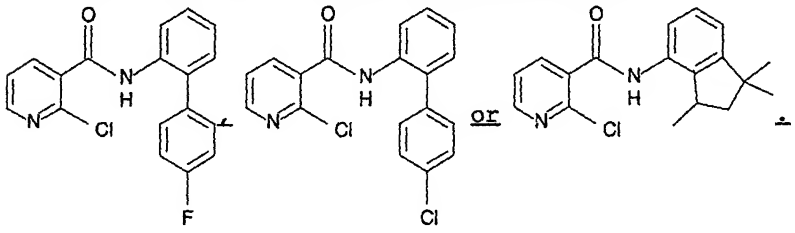
(Ib)

in which

R^4 is halogen and

R^{11} is phenyl which is substituted by halogen.

8. (*amended*) [~~A fungicidal mixture as claimed~~] The composition defined in claim 1, [~~which comprises as~~] wherein the amide compound [~~a compound of the formulae below:~~] is a compound of formula



Cancel Claim 9. Amend Claims 10 and 11 as indicated in the following:

10. (*amended*) [~~A fungicidal mixture as claimed in any of the preceding claims,~~] The composition defined in claim 1 which is conditioned in two parts, [~~one~~] a first part comprising the amide compound of formula I in a solid or liquid carrier, and [~~the other~~] a second part comprising [~~one or more compounds of the formulae IIa to IXb~~] the second active component in a solid or liquid carrier.

11. (*amended*) A method for controlling harmful fungi, which comprises treating the fungi, their habitat, or [~~the~~] materials, plants, seeds, soils, areas or spaces to be protected against fungal attack with an effective amount of the [~~a fungicidal mixture as claimed in any of claims 1 to 9~~] composition defined in claim 1, [~~where the application of~~] wherein the active [~~ingredients amide compound I and one or more compounds of the formulae IIa to IXb may be carried out~~]

components are applied simultaneously[~~, that is either~~] together or separately, or in succession.

Enter new Claims 12 to 17 as follows:

12. (*new*) The composition defined in claim 1, which comprises the phthalimide compound of formula VIa, VIb or VII.

13. (*new*) The composition defined in claim 1, wherein the active component (a) and the second active component are present in a weight ratio of from 50:1 to 1:50.

14. (*new*) The composition defined in claim 1, wherein the active component (a) and the second active component are present in a weight ratio of from 10:1 to 1:10.

15. (*new*) The method of claim 11, wherein the composition comprises the phthalimide compound of formula VIa, VIb or VII.

16. (*new*) The method of claim 11, wherein the active component (a) is applied in an amount of from 0.01 to 2.5 kg/ha.

17. (*new*) The method of claim 11, wherein the second active component (b) is applied in an amount of from 0.01 to 10 kg/ha.

APPENDIX IV:

THE AMENDED CLAIMS:

1. (*amended*) A fungicidal composition comprising, as a first active component

a) an amide compound of formula I

$$A\text{-}CO\text{-}NR^1R^2 \qquad I$$

in which

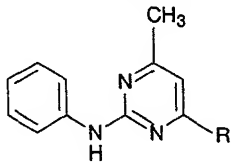
A is pyridyl which is unsubstituted or carries 1, 2 or 3 substituents selected from alkyl, halogen, CHF_2, CF_3, alkoxy, haloalkoxy, alkylthio, alkylsulfynyl and alkylsulfonyl;

R^1 is a hydrogen atom;

R^2 is phenyl which is unsubstituted or carries 1, 2 or 3 substituents selected from alkyl, alkenyl, alkynyl, alkoxy, alkenyloxy, alkynyloxy, cycloalkyl, cycloalkenyl, cycloalkyloxy, cycloalkenyloxy, phenyl and halogen, where the aliphatic and cycloaliphatic radicals are unsubstituted or are partially or fully halogenated, and the cycloaliphatic radicals optionally carry from 1 to 3 alkyl groups, and where the phenyl group is unsubstituted or carries from 1 to 5 halogen atoms and/or from 1 to 3 substituents selected from alkyl, haloalkyl, alkoxy, haloalkoxy, alkylthio and haloalkylthio, and
where the amidic phenyl group is optionally condensed with a saturated 5-membered ring which is unsubstituted or substituted by one or more alkyl groups;

and, as a second active component, a compound selected from the group consisting of

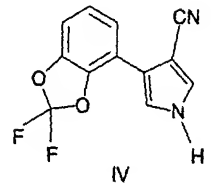
c) a pyrimidine compound of formula III,



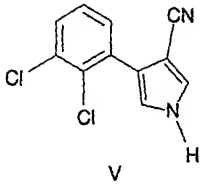
III

in which R is methyl, propyn-1-yl or cyclopropyl,

d) at least one active ingredient of formula IV or V,

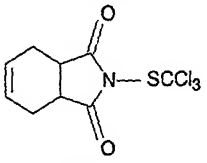


IV

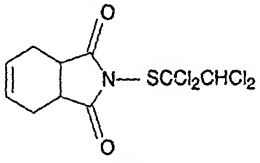


V

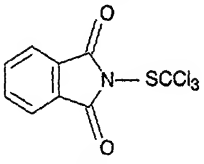
e) a phthalimide compound of formula VIa, VIb or VII



VIa

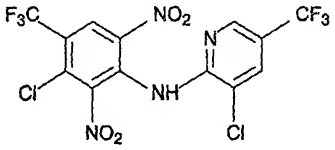


VIb



VII

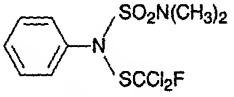
f) a dinitroaniline of formula VIII



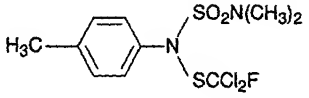
VIII

and

g) an arylsulfamide of formula IXa or IXb



IXa



IXb

wherein the active components are present in synergistically effective amounts.

2. (*amended*) The composition defined in claim 1, wherein A is pyridyl which is unsubstituted or carries 1, 2 or 3 substituents selected from alkyl, halogen, difluoromethyl and trifluoromethyl.

3. (*amended*) The composition defined in claim 1, wherein A is pyridin-3-yl, which is unsubstituted or is substituted in the 2-position by halogen, methyl, difluoromethyl, trifluoromethyl, methoxy, methylthio, methylsulfynyl or methylsulfonyl.

4. (*amended*) The composition defined in claim 1, wherein R^2 is phenyl which carries 1, 2 or 3 substituents.

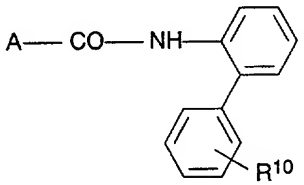
5. (*amended*) The composition defined in claim 4, wherein R^2 is a phenyl group which has one of the following substituents in the 2-position:

C_3-C_6-alkyl, C_5-C_6-cycloalkenyl, C_5-C_6-cycloalkyloxy, cycloalkenyloxy, where these groups are unsubstituted or substituted by 1, 2 or 3 C_1-C_4-alkyl groups,

phenyl which is substituted by from 1 to 5 halogen atoms and/or from 1 to 3 radicals selected from C_1-C_4-alkyl, C_1-C_4-haloalkyl, C_1-C_4-alkoxy, C_1-C_4-haloalkoxy, C_1-C_4-alkylthio and C_1-C_4-haloalkylthio,

or where R^2 is indanyl which is unsubstituted or substituted by 1, 2 or 3 C_1-C_4-alkyl groups.

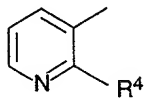
6. (*amended*) The composition defined in claim 1, wherein the amide compound is a compound of formula Ia



(Ia)

in which

A is a radical A2

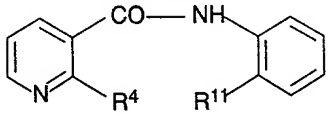


(A2)

R^4 is trifluoromethyl or chlorine, and

R^{10} is C_1-C_4-alkyl, C_1-C_4-alkoxy, C_1-C_4-alkylthio or halogen.

7. (*amended*) The composition defined in claim 1, wherein the amide compound is a compound of formula Ib



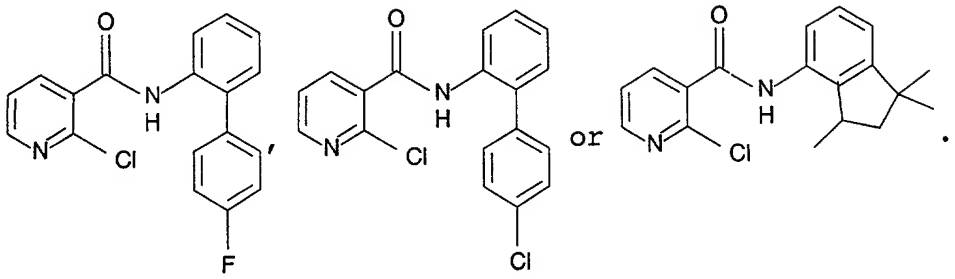
(Ib)

in which

R^4 is halogen and

R^{11} is phenyl which is substituted by halogen.

8. (*amended*) The composition defined in claim 1, wherein the amide compound is a compound of formula



10. (*amended*) The composition defined in claim 1 which is conditioned in two parts, a first part comprising the amide compound of formula I in a solid or liquid carrier, and a second part comprising the second active component in a solid or liquid carrier.

11. (*amended*) A method for controlling harmful fungi, which comprises treating the fungi, their habitat, or materials, plants, seeds, soils, areas or spaces to be protected against fungal attack with an effective amount of the composition defined in claim 1, wherein the active components are applied simultaneously together or separately, or in succession.

12. (*new*) The composition defined in claim 1, which comprises the phthalimide compound of formula VIa, VIb or VII.

13. (*new*) The composition defined in claim 1, wherein the active component (a) and the second active component are present in a weight ratio of from 50:1 to 1:50.

14. (*new*) The composition defined in claim 1, wherein the active component (a) and the second active component are present in a weight ratio of from 10:1 to 1:10.

15. (*new*) The method of claim 11, wherein the composition comprises the phthalimide compound of formula VIa, VIb or VII.

16. (*new*) The method of claim 11, wherein the active component (a) is applied in an amount of from 0.01 to 2.5 kg/ha.

17. (*new*) The method of claim 11, wherein the second active component (b) is applied in an amount of from 0.01 to 10 kg/ha.